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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,497	08/24/2001	Timothy R. Faber	CRC-148/47181-00248	3304
23569	7590	05/27/2004	EXAMINER	
SQUARE D COMPANY INTELLECTUAL PROPERTY DEPARTMENT 1415 SOUTH ROSELLE ROAD PALATINE, IL 60067			LUK, LAWRENCE W	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n No.</b>	<b>Applicant(s)</b>	
	09/939,497	FABER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lawrence W Luk	2838	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-14,23 and 32 is/are allowed.
- 6) ☒ Claim(s) 1,3,15,24,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 2,4-8,16-22 and 25-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 15, 24, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper et al (3,997,746).

As to claim 1, Harper et al. disclose in figure 6, an improved filter assembly for a circuit breaker comprising: a generally rectilinear filter housing having at least two filter mounting zones (figure 6, unit 90, 98, 106) for receiving at least two filter assemblies, so as to define, in the aggregate, a filter assembly (figure 6, unit 90, 98, 106); and at least two filter assemblies configured for interfitting with said filter mounting zones of said filter housing, each said filter assembly comprising a generally rectilinear filter body having a given peripheral configuration and a filter gasket (figure 8, unit 72) configured for interfitting about a periphery of said filter body for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both upon assembly and in operation (figure 6, unit 54, 94, 90, 98, 106).

As to claim 3, Harper et al. disclose in figure 6, each of said filter bodies has a peripheral recessed portion for positioning, mounting and bearing against a complementary edge portion of said filter gasket (figure 8, unit 72).

As to claim 15, Harper et al. disclose in figure 6, a method of filtering high energy arcing in a circuit breaker comprising; mounting at least two filter assemblies with a generally rectilinear filter housing having at least two filter mounting zones (figure 6, unit 90, 98, 106) so as to define, in the aggregate, a filter assembly; and sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both during assembly and in operation (figure 6, 54, 94, 90, 98, 106).

As to claim 24, Harper et al. disclose in figure 6, a filter assembly comprising: means for mounting at least two filter assemblies with a generally rectilinear filter housing having at least two filter mounting zones so as to define, in the aggregate, a filter assembly zones (figure 6, unit 90, 98, 106); and means for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both during assembly and in operation (figure 6, 54, 94, 90, 98, 106).

As to claim 33, Harper et al. disclose in figure 6, providing a generally rectilinear filter housing and at least two filter assemblies, said filter housing having at least two filter mounting zones, each of said filter assemblies including a generally rectilinear filter body having a peripheral configuration (figure 6, unit 90, 98, 106); intertitting a filter gasket about a periphery of said filter body for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assemblies both upon assembly and in operation (figure 6, unit 54, 94, 90, 98, 106); and interfitting said filter assemblies in said filter mounting zones, each of said filter mounting zones receiving one of said filter assemblies (figure 6, unit 90, 98, 106).

As to claim 34, Harper et al. disclose in figure 6, a generally rectilinear filter housing having at least two filter mounting zones; and at least two filter assemblies, each of said filter assemblies being configured for interfitting a respective one of said filter mounting zones (figure 6, unit 90, 98, 106), each of said filter assemblies including a generally rectilinear filter body having a given peripheral configuration (figure 7) and a filter gasket configured for interfitting about a periphery of said filter body for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both upon assembly and in operation (figure 6, unit 54, 94, 90, 98, 106).

***Allowable Subject Matter***

3. Claims 9-12, 23 and 32 are allowed for reasons record.

Claims 13 and 14 are allowed.

Claim 13 is allowable. The reason for allowance is that the prior art of record fails to disclose or reasonably suggest a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, said coarse hole diffuser including means for engaging and interfitting with said filter housing in close overlying engagement with said small hole diffuser. It is these features found in the claim, as they are claimed in the combination, which has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 14 is dependent on claim 13.

4. Claims 2, 4-8, 16-22 and 25-31 are objected to as being dependent upon a rejected base claim. The prior art of record fails to teach or reasonably suggest that:

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As to claims 2, 16 and 25, a filter gaskets are comprised of a silicone material.

Claim 17 is dependent on claim 16.

Claim 26 is dependent on claim 25.

As to claim 4, a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, said coarse hole diffuser including means for engaging and interfitting with said filter housing in close overlying engagement with said small hole diffuser.

Claims 5 and 8 are dependent on claim 4.

As to claims 6, 20 and 29, said filter housing comprises a frame-like, one-piece molded member having a recessed area for receiving each of said filter elements and an associated gasket therewithin, including separate areas for cooperatively interfitting with and bearing against edges of said gaskets opposite edges thereof bearing against said filter elements, and a projecting frame-like peripheral portion extending outwardly for surrounding engagement with said filter elements, said spacer and said small hole diffuser.

Claim 7 is dependent on claim 6.

Claim 21 is dependent on claim 20.

Claim 30 is dependent on claim 29.

As to claims 18 and 27, engaging a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, with said filter housing in close overlying engagement with said small hole diffuser.

Claims 19 and 22 are dependent on claim 18.

Claims 28 and 31 are dependent on claim 27.

Claims 2, 4-8, 16-22 and 25-31 would be allowable if rewritten in independent from including all of the limitations of the base claim.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL  
May 24, 2004

*Lawrence W Luk*  
*examiner*  
*5/24/04*